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DEFECTS AND LIMITATIONS OF THE COMMISSION PLAN

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Government, in the sense used here, is the first product of organized society. Its only use is found in the protection and enforcement of individual rights. The closer a government keeps to the people, the more nearly it answers the excuse for its existence. The true test of any institution of a governmental character is found in the manner in which it answers to the will of the people. Without question the centuries of the past disclose the fact that centralized government has always resulted in tyranny, and that tyranny and oppression have been the greatest foe with which humanity has ever had to contend. There is a certain hopelessness in the situation of those who have to contend with centralized power. The only relief for the people as a rule is to resist legalized authority, and this they usually have neither the desire nor the power to do. On the other hand, if the government is close to the people so that in a true sense it may be said to be their government, and when it acts it is their action, and when it performs its functions, such performance is by virtue of the wish and desire of the people, then, in such case, if the government is corrupt, the only remedy is for the people to change, not the institution, but the policy of administration. If the people have a government which in a true sense is their government, and they are oppressed, they can remove the evil and will even be improved in character by so doing. The people who have good institutions, ought to be careful how they change them. If new appliances or various legal details of change are to be suggested, let all changes conform to the principles on which democratic institutions are based.

The ascendancy of the commission form of government is explained in this way: During the last ten years there have been much agitation, research and investigation in regard to public affairs. The franchise grabbers have seen their monopolies in danger, and business interests of this class have found a convenient way to save

themselves by attempting to direct the agitation for reform. They have, therefore, resurrected this old, effete institution, and, generally, along with it, they have adopted various other governmental appliances pleasing to the people. Men who never favored the recall, the initiative, the referendum, or non-partisan elections, have suddenly, and without sufficient excuse, become the exponents of the commission form of government, with the recall and initiative features attached. There is nothing inconsistent with American principles in separating municipal government into five departments, in providing for the initiative, referendum and recall, a civil service commission, and non-partisan elections. All of these things may be had without having a commission form of government. The voter, as a rule, looks at the above mentioned features and votes for them, while the franchise grabber is all the time thinking of the centralized power such as is found in the commission form of government.

Out on the plains I once saw hunters place conspicuously a bright colored cloth, and I noticed how eagerly an antelope would come up and watch it, all unmindful that just a little way off were the deadly firearms. The antelope was interested in one thing, the hunter in another. The antelope lost its liberty by a tricky device. The American people may well beware of these inviting legal appliances when accompanied by this tremendous institution of centralization. When a majority of our cities are organized and equipped with this monarchical institution, comprising, as they do, three-fourths of all political power in America, the people may well wonder in what way they are to escape from the snare in which they are entrapped.

Usually, the recall, initiative and referendum, when finally put into law in connection with the commission form of government, are of very little, if any, value. At the time of the adoption of the commission form of government in the City of Des Moines, it was so arranged that, in case it was thought best under the law to recall an official, there was no provision whatever for putting an opposing candidate on the ballot. The city clerk was simply required to put the name of the one to be recalled upon the ballot. If there was no one to oppose the one to be recalled, of course he could not be recalled. Again, the recall petition required the setting out of the facts in regard to the objections against the one to be recalled. Now

it will be difficult to find any two citizens who will exactly agree in regard to such matters. Then, too, it was necessary to get one-fourth of the qualified voters to sign the petition. After it was signed and filed with the city clerk, it was left with such clerk to determine whether the petition itself was sufficient. The clerk was dependent upon the council for his salary, and for his term of office, yet he was expected to find such a petition sufficient for the recall of his master. Even after the clerk had found the petition satisfactory, it was then left to the city council again to pass upon its sufficiency. Thus, the very men who were to be recalled were given the privilege of passing upon the validity of a petition for their own recall. Over in Illinois the recall was to be signed by seventy-five¹ per cent of the qualified voters. The public servant certainly would have to be rather wicked to be recalled under such conditions.

The civil service commission is supposed to be something of a check upon the centralized power found in the city commission, but the city commission appoints the civil service commission, and it must necessarily be more or less under the domination of the appointing power. The result is that the civil service commission, if it acts at all, is in a situation where it is obliged to abide by the wishes of the city commission, and consequently to remain neutral while the commission is building up a political machine. The result is that, in the City of Des Moines, the civil service commission is, and always has been, a mere nullity, the city commission paying little or no attention to it.

Again, the city commission appoints the city attorney and corporation counsel. When legal questions arise the commission asks the opinion of its own attorney, and it often happens that the attorney knows beforehand what kind of an opinion is desired; and then, if the opinion is given in conformity with the desire of council, the council can answer the people that the legal department has so advised, and thereby shift responsibility. The commission has the power to appoint the police judge, and he immediately becomes the servant of the chief of police. If he fails to decide cases according to the wishes of the so-called "safety department," he puts in jeopardy his salary, and stands liable to be dismissed. All these conditions are working out very rapidly in those cities where the commission form of government is being tried.

¹ Later amended to require but fifty-five per cent.—EDITOR.

The commission form of government, as understood in America, gives the commission the power to assess taxes, levy taxes, appoint any and all public officials except the commission and fix their terms of office and their salaries. In the state of Iowa each member of the commission has all the power of the commission itself. This is a delegation of authority and power hitherto unknown in America. It goes without saying that a political machine will be created and established almost at once, upon the inauguration of such a system. Graft, political corruption, and the wasting of our cities' revenues, are as sure to follow as the sun is to rise and set. Of course, as a rule, the commissioners themselves give a powerful endorsement to this system of government. Few men since the days of Numa Pompilius, have been willing to turn down the opportunity to wield great power.

Now, the tendency of the times, intensified by years of bitter experience involving bribery, political corruption, and all sorts of fraud, is to elect officials by popular vote. United States senators and federal judges are in the category, sometime in the future to be elected by the direct vote of the people. There is excellent reason for this, found in deadlocks of the legislatures, the buying of votes, and all kinds of trickery. If we cannot trust the legislature to elect a United States senator, how can we trust the municipal commission to elect the police judge, the city attorney, the assessor, treasurer, and various other officials? If we cannot trust the president of the United States, by and with the consent of the United States senate, to elect federal judges for life, how can we trust a city commission, composed, as it often is in America, of the rabble of American politics, to elect a police judge? If it is thought best to elect United States senators, federal judges, and the president of the United States by popular vote, how is it that in a city, the especial home of democracy, the people should renounce the elective franchise for seventy-five per cent of their public officials, and turn it over to a commission of five? The appointive power is one of the most vicious and dangerous of all political agencies. Very few of the chief magistrates of the nation, during their term of office, have been free from a corrupt use of the appointive power. There are numerous instances in recent history where the appointive power of a president has been used to secure political results, and at the behest of personal ends and aims. If the president of the United

States cannot be trusted with the power to appoint public officials, such appointment being investigated and confirmed or rejected by the senate, what right have we to believe that John Doe, acting as a member of a city commission, will be free from abuse of his power in appointing public officials?

The fact is, the number of elective officials should be extended, not narrowed. The citizen is impartial, or at least he has less temptation than the public official, and he should do his own electing. He knows enough to elect a police judge, city attorney, treasurer, auditor, and the various public officials of the cities. He is ready for self government. The citizen may, and often does, do things that are contrary to his best interests, and frequently does things as the result of prejudice; but if he must bear the sin of bad government, let it be his own government. If our municipalities are corrupt, let the people correct them. It is impossible to improve things by turning the election of most of our city officials over to a select few good people, for the reason that the voter has no power or capacity to select people for public duties much above the average character of the rank and file of our citizenship. Our municipalities ought to be the especial fortress of democracy, and if the ballot box shall fail to elect proper city officials, and it becomes necessary to take their election out of the hands of the people and turn it over to a few, letting them perform these duties on behalf of the people in the city, how much stronger is the reason to take the power out of the hands of the people to elect state and national officials.

The curse of the appointing power was not felt seriously in this country until President Jackson's time. He announced the nefarious policy, "To the victor belongs the spoils." It was at that point in our history that federal patronage, rather than the cogency of reason, or the character of the chief magistrate, became a factor in carrying elections and in enacting laws. Patronage is, and always has been, to a greater or less extent an insidious form of bribery. It means a debauching of the public service; it means extravagance and a wasteful use of money. At the time that President Jackson went into power, the national debt was less than \$50,000.00; the expenses of the government were small. Now we speak of our billion dollar congresses, and we scatter money with a prodigal hand, and carry elections by virtue of money and the appointive power. If presidents make federal patronage a pawn upon the political chess-board,

if offices and dignities are auctioned off by men of station and rank, what is to hinder the commission governing a city, having in its hands like power, from making merchandise out of this capital, developing political machines, and thereby perpetuating themselves in office and wasting the revenues and resources of municipalities?

There is absolutely no question that the commission form of government is a monarchical institution. One peculiar phase of centralization of power has been the attempt, at numerous points in human history, of those interested to deprive the people of all right to participate in the election of any officials except those composing the legislative body. The city council, as formerly organized in the state of Iowa, was considered in its legal essence as being a legislative body, and for years prior to the enactment of the commission form of government, there had been a great dissatisfaction among a select few, with the allowing of the people to elect the police judge, the city attorney, and various other public officials, excepting the city council or legislative body.

In conclusion I can perhaps do no better than to quote Abraham Lincoln's comment in regard to what he deemed to be the theory of those in rebellion against the national government: "It continues to develop that the insurrection is largely, if not exclusively, a war upon the first principle of popular government—the rights of the people. Conclusive evidence of this is found in the most grave and maturely-considered public documents, as well as in the general tone of the insurgents. In these documents, we find the abridgment of the existing right of suffrage, and the denial to the people of all right to participate in the selection of public officers, except the legislative body, boldly advocated, with labored arguments to prove that large control of the people in government is the source of all political evil. Monarchy itself is sometimes hinted at as a possible refuge from the power of the people. In my present situation I could scarcely be justified were I to omit raising a warning voice against this approach of returning despotism."